

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

PAUL STEELE,

JUDGE ZAGEL

06C 0027

Plaintiff,

No.

v.

MAGISTRATE JUDGE MASON

FILED

UNION PACIFIC RAILROAD COMPANY,

Defendant.

JAN 04 2006

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COMPLAINT AT LAW

NOW COMES the above-named Plaintiff, PAUL STEELE, by and through his attorneys, George T. Brugess and HOEY & FARINA, P.C., as and for a cause of action against the above named Defendant shows and alleges as follows:

1. That at all pertinent times, the Defendant, UNION PACIFIC RAILROAD COMPANY, was and is a railroad corporation authorized to do business and doing business in the State of Illinois, County of Cook.

2. This action arises under, and the rights and liabilities of the parties to this cause are governed by the Federal Employer's Liability Act, 45 U.S.C. § 51 et seq.

3. At al pertinent times, Defendant operated a railroad system as a common carrier freight in and through the various states.

4. At all pertinent times, Defendant owned, managed, and maintained and used as part of its railroad system a certain railroad yard called Proviso Yard.

5. On and before March 22, 2004, PAUL STEELE was an employee of the Defendant.

6. On March 22, 2004, PAUL STEELE was on duty and acting in the course of his employment by Defendant.

7. At all pertinent times, PAUL STEELE, was performing work for the Defendant in connection with or in furtherance of Defendant's business of interstate commerce and transportation.

8. In the course of his duties at that time and place PAUL STEELE was required to operate a motor vehicle to collect blue flag lights.

9. As PAUL STEELE was removing the blue flag lights from the motor vehicle his ankle and foot were seriously injured.

10. It was the continuing duty of Defendant, as employer, at the time and place in question, to use ordinary care in furnishing PAUL STEELE with a safe place to work.

11. In violation of its duty, Defendant negligently and carelessly failed to provide PAUL STEELE with a safe place to work by committing the following negligent acts or omissions:

- a. failed to provide sufficient manpower to perform assigned tasks;
- b. failed to properly illuminate the yard;

- c. failed to provide a safe and level ground surface;
- d. failed to provide sufficient motor vehicles to perform the work assigned;
- e. failed to enact and enforce rules regarding vehicles use;
- f. required employees to use their personal vehicle to perform company tasks;
- g. violated certain agreements regarding requiring employees to use their personal vehicles;
- h. failed to train employees on the use of vehicles in violation of OSHA regulations;
- i. violated OSHA and FRA regulations;
- j. violated industry standards; and
- k. was otherwise careless and negligent.

12. Defendant's failure to provide PAUL STEELE with a safe place to work by one or more of the foregoing negligent acts or omissions caused, in whole or in part, PAUL STEELE to be injured.

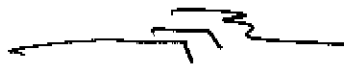
13. Defendant's violation of safety regulations constitutes absolute negligence without any contributory negligence on Plaintiff.

14. As a direct and proximate result of the Defendant's foregoing acts and omissions of negligence, Plaintiff was seriously injured, has experienced pain and suffered in the past and will experience pain and will suffer in the future, has lost wages in the past, will lose wages in the future and her future

earning capacity has been impaired, has suffered loss of a normal life, is disabled, has incurred medical expenses and will incur medical expenses in the future, and is permanently disfigured.

WHEREFORE, the Plaintiff, PAUL STEELE, respectfully demands judgment against the above named Defendant in an amount sufficient to constitute fair and reasonable compensation for the injuries and damages which Plaintiff sustained and that he has here taxable costs and disbursements in said action

Respectfully submitted,



George T. Brugess
Attorney for Plaintiff

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